

**OFFICE OF FOREIGN ASSETS CONTROL
U.S. TREASURY DEPARTMENT**

AUTHORIZATION OF TRAVEL-RELATED TRANSACTIONS INVOLVING CUBA

Statutory Criteria: Under section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (the “Act”), Congress restricted the President’s discretionary authority to authorize certain travel-related transactions to, from, or within Cuba. Under the Act, that authority, ultimately delegated to the Office of Foreign Assets Control (“OFAC”), is restricted to travel-related transactions related to activities “. . . expressly authorized in paragraphs (1) through (12) of section 515.560 of title 31, Code of Federal Regulations, or in any section referred to in any of such paragraphs (1) through (12) (as such sections were in effect on June 1, 2000).”

Licensing Criteria: The twelve paragraphs set forth in section 515.560(a) provide either the blanket authorization of a general license not requiring specific application to OFAC (and therefore not requiring case-by-case review) or permit OFAC to issue specific licenses on a case-by-case basis authorizing travel-related transactions involving Cuba that are directly incident to the activities referenced therein. For purposes of general reference, a brief summation of the applicable licensing criteria (indicating whether review of license applications in a given category takes place in Miami (“MIA”) or Washington (“DC”)) is provided below for each of the twelve categories. Many of these categories allow outreach by the American people to the Cuban people. A prospective traveler must first determine the appropriate category of activity for the proposed travel and then determine if the travel itinerary conforms to the complete licensing criteria set forth in the Cuban Assets Control Regulations (31 CFR Part 515). The prospective traveler should also review general information and relevant application guidelines posted on the OFAC website: <http://www.treas.gov/ofac>.

- 1. Family visits to close relatives (§§ 515.560(a)(1) & 515.561)**
 - First visit in any 12-month period authorized by general license.
 - Subsequent visits licensed case-by-case (usually granted). (MIA)
- 2. Official business of the U.S. and foreign governments and certain intergovernmental organizations (§§ 515.560(a)(2) & 515.562)**
 - Authorized by general license.
- 3. Journalistic activity (§§ 515.560(a)(3) & 515.563)**
 - Authorized by general license for journalists regularly employed by a news reporting organization and for persons regularly employed as supporting broadcast or technical personnel.
 - Free-lance journalists licensed case-by-case upon submission of a detailed itinerary, a detailed description of the proposed research, and a resume showing a record of publications. (MIA)
- 4. Professional research and meetings (§§ 515.560(a)(4) & 515.564)**
 - Authorized by general license for full-time professionals attending meetings or conferences or conducting professional research in their professional areas. Research

requires a full work schedule of noncommercial, academic research that has a substantial likelihood of public dissemination. Meetings or conferences must be organized by an international professional organization, institution, or association headquartered outside the United States that regularly sponsors meetings or conferences in other countries unless otherwise authorized. The meetings or conferences may not be for purpose of promoting tourism in Cuba or other commercial activities involving Cuba and may not be intended primarily for the purpose of fostering production of any biotechnological products.

- Case-by-case consideration for other professional research and attendance at professional meetings when the general license criteria above do not apply. (DC)

5. Educational activities (§§ 515.560(a)(5) & 515.565)

- Two-year specific licenses issued to accredited U.S. academic institutions (covering their employees and students) for the following categories of educational activities:
 - (1) participation in a structured education program by an undergraduate or graduate student or student group as part of a course offered at an accredited U.S. college or university;
 - (2) noncommercial academic research in Cuba specifically related to Cuba by a person working to qualify as a professional and currently enrolled in a graduate degree program;
 - (3) participation in a formal course of study at a Cuban academic institution by an undergraduate or graduate student currently enrolled in a degree program at an accredited U.S. college or university for credit toward the student's degree;
 - (4) teaching at a Cuban academic institution by an individual regularly employed in a teaching capacity at an accredited U.S. college or university, provided the teaching activities are related to an academic program at the Cuban institution; and
 - (5) Educational exchanges sponsored by Cuban or U.S. secondary schools involving secondary school students' participation in a formal course of study or in a structured educational program, including participation of a reasonable number of adult chaperones. (MIA)
- Case-by-case consideration for educational activities described in (1)-(3) above that do not take place pursuant to a license issued to an accredited U.S. academic institution. (DC)
- Case-by-case consideration of educational exchanges not involving academic study pursuant to a degree program and taking place under the auspices of an organization that sponsors and organizes such programs to promote people-to-people contact. Applications must include a detailed itinerary enabling participants to have direct and individual dialogue with the Cuban people. (DC)

6. Religious activities (§§ 515.560(a)(6) & 515.566)

- Two-year specific licenses issued to religious organizations located in the United States, and individuals and groups affiliated with them, to engage, while in Cuba, in a full-time program of religious activities under the auspices of the organization. (MIA)
- Case-by-case consideration for religious activities that do not take place pursuant to a license issued to a religious organization. (MIA)

7. Public performances, clinics, workshops, athletic and other competitions, and exhibitions (§§ 515.560(a)(7) & 515.567)

- Authorized by general license for athletic competition by amateur or semi-professional athletes or teams selected by the relevant U.S. federation traveling to participate in athletic competition held in Cuba under the auspices of the relevant international sports federation, when the competition is open for attendance, and in relevant situations participation, by the Cuban public.
- Case-by-case consideration of participation in a public performance, clinic, workshop, athletic or other competition, or exhibition in Cuba by participants in such activities, provided that the event is open for attendance, and in relevant situations participation, by the Cuban public and all profits from the event after costs are donated to an independent nongovernmental organization in Cuba or a U.S.-based charity that benefits the Cuban people. (DC)

8. Support for the Cuban people (§§ 515.560(a)(8) & 515.574)

- Case-by-case consideration of activities intended to provide support for the Cuban people including, but not limited to, activities of recognized human rights organizations and of individuals and nongovernmental organizations which promote independent activity intended to strengthen civil society in Cuba. (DC)

9. Humanitarian projects (§§ 515.560(a)(9) & 515.575)

- Case-by-case consideration of humanitarian projects in or related to Cuba designed to directly benefit the Cuban people, including, but not limited to, medical and health-related projects, environmental projects, projects involving non-formal educational training including adult literacy and vocational skills, community-based grass roots projects, projects suitable to the development of small-scale private enterprise, projects that are related to agricultural and rural development which promote independent activity, and projects involving the donation of goods to meet basic human needs. (DC)

10. Activities of private foundations or research or educational institutes (§§ 515.560(a)(10) & 515.576)

- Case-by-case consideration of activities by private foundations or research or educational institutes that have an established interest in international relations to collect information related to Cuba for noncommercial purposes. (DC)

11. Exportation, importation, or transmission of information or informational materials (§§ 515.560(a)(11) & 515.545)

- Case-by-case consideration of travel-related transactions for purposes related to the exportation, importation, or transmission of information or informational materials as defined in § 515.332. (MIA)

12. Certain export transactions that may be considered for authorization under existing Department of Commerce regulations and guidelines with respect to Cuba or engaged in by U.S.-owned or controlled foreign firms (§§ 515.560(a)(12), 515.533 & 515.559)

- *Exports and reexports authorized by the Department of Commerce:* Case-by-case consideration of travel-related transactions and other transactions that are directly

incident to the marketing, sales negotiation, accompanied delivery, or servicing of exports and reexports that appear consistent with the export licensing policy of the Department of Commerce, including the commercial export sale of agricultural commodities. (MIA)

- *Exports of certain foreign-produced merchandise:* Case-by-case consideration of travel-related transactions and other transactions that are directly incident to marketing, sales negotiation, accompanied delivery, or servicing of medicine or medical supplies, or donated food, from a third country to Cuba, or of telecommunications equipment from a third country, when the equipment is determined to be necessary for efficient and adequate telecommunications service between the United States and Cuba. (DC)